



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,768	11/10/1998	SADAYUKI NARUSAWA	51270-245585	5853

7590 07/11/2006

ROGER R WISE
PILLSBURY MADISON & SUTRO
725 SOUTH FIGUEROA STREET
SUITE 1200
LOS ANGELES, CA 900175443

EXAMINER

LAO, LUN S

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/189,768

Applicant(s)

NARUSAWA ET AL.

Examiner

Lun-See Lao

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 83-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 83-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. This action is in response to applicant's amendment filed on 04-21-2006. Claims 83-100 are pending. Claims 1-83 have been canceled and claims 83-100 have been added.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04-21-2006 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 83-95 and 98-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. (US PAT 6,007,228) in view of Silfvast et al (US PAT. 5,524,060).

Consider claim 92 Agarwal teaches that a system for audio reproduction, comprising:

Art Unit: 2615

an audio source (see fig.4, 20'(docking station)) for transmitting first audio data (e.g, digital audio signal from audio sources such as (88) DVD or CD);

a personal computer (10' laptop pc) for transmitting second audio data; and an audio device (such as, master (54)) to receive the first audio data and the second audio date, wherein mixing (see figs 4 and 10b (54 Master mixer)) of the first audio data and the second audio data is performed when the audio source is selected as a selected audio source at a graphical user interface of the personal computer (see col. 6 line 37-col. 7 line 49); but Agarwal does not clearly teach that the mixing of the first audio data and the second audio data is inhibited when the personal computer is selected as the selected audio source at the graphical user interface of the personal computer.

However, Silfvast teaches that that the mixing of the first audio data and the second audio data is inhibited (see fig.5 and col. 9 lines 1- 35) when the personal computer is selected (see fig. 8, (137, 143)) as the selected audio source at the graphical user interface of the personal computer (pc) (see figs 8,10 and col.12 line 54-col.13 line 59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Silfvast in to Agarwal to generate an audio signal be selectively varying mixing or not mixing with first audio data and second audio data to applied to the audio processing in the system provide more choices to the user.

Consider claim 83, it is method claim corresponding to apparatus claim 92. See the previous apparatus claim 92 rejection.

Consider claim 93 Agarwal teaches that the audio source is a CD player (see fig.4, 88 and col. 6 line 50-58).

Art Unit: 2615

Consider claim 94 Agarwal fails to teach the audio source is a tuner. However, it is well known in the art (official notice is taken) that a tuner is one of audio source.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a audio source as suggested by Agarwal to have a tuner that can receive AM signals and FM signals to provide more entertainment for the user.

Consider claim 95 Silfvast teaches that the personal computer is connected to an audio device by a serial bus cable (see fig.5, (57,60) and see col. 9 line 1-35).

Consider claims 84-86, these are the method claims corresponding an apparatus claims 93-95. Thus note claims 93-95 respectively for rejection.

Consider claim 87 Silfvast teaches that the selecting a volume for the mixing at the graphical user interface of the personal computer (see fig 10 and col. 14 line 41-col. 15 line 32).

Consider claims 98-100, Silfvast teaches that the system further including a mix adjuster on the graphical user interface for adjusting a mixing level between the personal computer and the selected audio source (see figs, 5, 8 10 and see col. 12 line 54-col. 13 line 59); and the system further including a balance adjuster on the graphical user interface for adjusting a tone volume balance between a plurality of speakers connected to the audio device (see fig, 5, and col. 5 line 22-57 and see col. 12 line 54-col. 13 line 59); and the system further including at least one sound field image, which when selected allows a set up of a desired sound field (see fig.10 and col. 10 line 41-col. 11 line 32).

Art Unit: 2615

Consider claims 88-89, these are the method claims corresponding an apparatus claims 98-99. Thus note claims 98-99 respectively for rejection.

Consider claims 90-91, Silfvast teaches that the selecting a sound field image, in order to set up a sound field, at the graphical user interface of the personal computer (see fig.10 and col. 14 line 41-col. 15 line 32); and the selected audio source is a device connected to an AUX input (see figs. 5,8 and col. 9 line 60-col. 10 line 37).

5. Claims 96-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal (US PAT 6,007,228) as modified by Silfvast (US PAT. 5,524,060) as applied to claim 92 above, and further in view of Franks (US PAT 4,879,751).

Consider claims 96-97, Agarwal does not clearly teach the system of the audio source is connected to an AUX switch; and the system further including a MUTE adjuster on the graphical user interface for adjusting a mute level of the audio device.

However, Franks teaches that the system of the audio source is connected to an AUX switch (see col. 18 line 23-col. 19 line 20); and the system further including a MUTE adjuster on the graphical user interface for adjusting a mute level of the audio device (see figs 1-3 and col. 2 line 3-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Franks into the teaching of Agarwal and Silfvast so that different audio source can be selectively connected to the system and the mute level of the audio device can be easily controlled by user.

Response to Arguments

6. Applicant's arguments filed 04-21-2006 have been considered but are moot in view of the new grounds of rejection.

Conclusion

7 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rossmere et al. (US PAT 6,092,119) is recited to show other related the audio system utilizing personal computer.

8. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:
(571) 273-8300

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

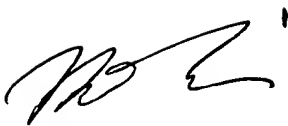
Lao,Lun-See *L. S.*

Application/Control Number: 09/189,768

Page 7

Art Unit: 2615

Patent Examiner
US Patent and Trademark Office
Knox
571-272-7501
Date 07-03-2006



VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600